

## UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

United States of America )

v. )

Jose Miguel MARTINEZ-Gonzalez )

Mag. No. 25-67

)

)

)

)

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 26, 2025 in the county of Jefferson in the  
Northern District of Alabama, the defendant(s) violated:*Code Section**Offense Description*

Title 18 U.S.C. 922(g)(5)

Illegal alien in possession of a firearm

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

JUSTIN CARDWE

Digitally signed by JUSTIN CARDWE  
Date: 2025.01.30 16:55:37 -06'00'*Complainant's signature*

Justin Cardwell, ATF Special Agent

*Printed name and title*telephonically electronically  
Sworn to before me and signed in my presence.Date: **Jan 30, 2025**City and state: Birmingham, Alabama*Judge's signature*

John H. England III, United States Magistrate Judge

*Printed name and title*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA**

**IN THE MATTER OF THE APPLICATION  
OF THE UNITED STATES OF AMERICA  
FOR AUTHORIZATION FOR A CRIMINAL  
COMPLAINT FOR:**

Case No. Mag. No. 25-67

Jose Miguel MARTINEZ-Gonzalez

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Justin T. Cardwell, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been employed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as a Special Agent since January 2018. From August 2015 until January 2018, I was employed by the Shelby County Sheriff’s Office as both a Corrections Officer and Patrol Deputy. I have a Bachelor of Science and a Master of Social Science degree from

Mississippi College in Administration of Justice. I am a graduate of the Criminal Investigator Training Program (CITP) and the ATF National Academy, both located at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I have received specialized training in investigative techniques, surveillance techniques, and specific training regarding firearms trafficking, drug trafficking, arson investigations, and explosives investigations. I have been trained in the techniques and federal requirements of conducting search warrants, arrest warrants, and written affidavits. During the course of my law enforcement career, I have debriefed defendants, and witnesses. I have conducted interviews of suspects and prepared detailed investigative reports. I have served subpoenas and executed numerous arrest and search warrants. I have investigated numerous criminal violations of federal firearm laws, including, but not limited to, violations of 18 U.S.C. §§ 922(g).

2. Your affiant's current duties and responsibilities as an ATF Special Agent include, but not limited to, investigating violations of federal firearms laws. Your affiant is familiar with Title 18, United States Code (U.S.C.) § 922(g)(5), and knows that it is unlawful for any person to possess a firearm, who being an alien – (A) is illegally or unlawfully in the United States; (B) or except as provided in subsection (y)(2), had been admitted to the United States under a

nonimmigrant visa (as the term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 101(a)(26))).

3. The facts in this affidavit come from my personal observations, training and experience, the training and experience of other agents and/or officers, and information obtained from other agents, officers and/or witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

**PROBABLE CAUSE**

4. In October of 2024, Deportation Officers (DO)s with U.S. Immigration and Customs Enforcement/Enforcement and Removal Operations (ICE/ERO) attempted to locate a target of investigation, Carlos MELQUIADES-Irinea, at 1025 Blackstone Way, Fulda, Alabama 35068. ICE/ERO conducted records checks which revealed MELQUIADES-Irinea was a native and citizen of Mexico who had been previously arrested by the United States Border Patrol after unlawfully entering the United States. MELQUIADES-Irinea was granted a voluntary return and returned to Mexico. MELQUIADES-Irinea had a recent arrest for driving under the influence in September of 2024. While at the residence, DOs observed a Hispanic male that appeared to be MELQUIADES-Irinea exit the residence and enter a

Dodge Challenger bearing Alabama tag 1A13HD3. DOs conducted a vehicle stop and determined the driver was Jose Miguel MARTINEZ-Gonzalez. DOs determined MARTINEZ was also native and citizen of Mexico who was unlawfully present in the United States. MARTINEZ-Gonzalez was not taken into custody and allowed to leave. DOs and Fultondale Police Department (FPD) later conducted a knock and talk at 1025 Blackstone Way Fultondale, AL 35068. During this knock and talk, Antonio GONZALEZ-Gonzalez answered the front door of the residence and identified himself with a Mexico-issued ID. DOs determined GONZALEZ was a native and citizen of Mexico who was unlawfully present in the United States. GONZALEZ confirmed MELQUIADES-Irineo did, in fact, live at the residence. DOs and FPD then left the residence.

5. On January 26, 2025, Homeland Security Investigations (HSI) Special Agents (SA) and Task Force Officers (TFO) along with ICE/ERO DOs attempted to locate MELQUIADES-Irineo, MARTINEZ-Gonzalez and GONZALEZ-Gonzalez 1025 Blackstone Way Fultondale, AL 35068. As SAs and TFOs knocked on the front door, they observed through a window as a male, matching the description of GONZALEZ, walked towards the front of the residence and then to a rear room within the residence. Through a window, SAs and TFOs also observed what appeared to be a black rifle lying against

the wall in the kitchen. Also observed was a camouflage rifle case next to it.

6. While at the residence, SAs and TFOs observed the Dodge Challenger bearing Alabama tag 1A13HD3 that was previously driven by MARTINEZ-Gonzalez in October of 2024 parked outside the residence located at 1025 Blackstone Way Fultondale, AL 35068. Furthermore, SAs and officers also observed a black Ford F-150 bearing Alabama tag 1A0UNHC parked in front of the residence, which was registered to MELQUIADES-Irinea, and a grey Ford Explorer Sport Trac bearing Alabama tag 1A08EMH, which was registered to GONZALEZ-Gonzalez. Due to ICE/ERO DOs having prior knowledge that MARTINEZ-Gonzalez, MELQUIADES-Irinea and GONZALEZ-Gonzalez were unlawfully present in the United States, in conjunction with SAs, TFOs, and DOs observing what they believed to be a firearm in the residence; a state search warrant was applied for and received through the Circuit Court of Jefferson County for the charge of 13A-11-72; Certain Persons forbidden to possess a firearm. Within 13A-11-72 of the Alabama State Code, subsection (c)(1) states, No person who is an alien and is illegally or unlawfully in the United States or has been admitted to the United States under a nonimmigrant visa as defined in 8 U.S.C 1101(a)(26), provided no exception to this subsection as listed in 18 U.S.C 922(y)(2) applies, shall own

a pistol or other firearm or have one in his or her possession of under his or her control.

7. During the execution of the search warrant five (5) males were encountered and were identified as:

- Pablo MELQUIADES-Irineo
- Carlos MELQUIADES-Irineo
- Jose MELQUIADES-Irineo
- Jose Miguel MARTINEZ-Gonzalez
- Antonio GONZALEZ-Gonzalez

8. SAs and Dos determined all five of the individuals were natives and citizens of Mexico who were unlawfully present in the United States. During the execution of the search warrant the following items of evidentiary value in a camouflaged long gun case in the kitchen containing:

- One (1) CVA Hunter 20-gauge shotgun, serial number 61-03-003696-16
- One (1) CVA Hunter rifle barrel bearing numeric sequence 61-06-065637-16
- 5 rounds of .243 Winchester ammunition

9. Furthermore, SAs, TFOs, and DOs also discovered the following items inside of a wooden cabinet located in the living room of the residence:

- Twenty (20) rounds of .243 Hornday ammunition
- Thirty-eight (38) 20-gauge Estate Cartridge Inc. ammunition

10. All five (5) males were taken into ICE custody and transported to the Birmingham HSI Office. Upon arrival, all five (5) males were served with a Notice to Appear (NTA) before an immigration Judge because they were unlawfully present in the United States and were held without bond in ICE custody pending removal proceedings.

11. On January 30, 2025, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (SA) Cameron Spivey conducted an interview of Antonio GONZALEZ-Gonzalez while ATF SA Skylar Collins simultaneously conducted an interview of Jose Miguel MARTINEZ-Gonzalez. At the conclusion of the interviews ATF SAs provided your affiant with an interview summary. (The interview summary was not fully transcribed nor verbatim and does not memorialize all statements made during the interview.) Due to both GONZALEZ-Gonzalez and MARTINEZ-Gonzalez being Mexican nationals and speaking Spanish as a first language, ATF SAs utilized an interpreter to assist with the interviews via the HSI transcription service. GONZALEZ-Gonzalez was advised of his Miranda Rights, which he verbally acknowledged and waived. GONZALEZ-Gonzalez admitted that he resided at 1025 Blackstone Way, Fultondale, Alabama.



GONZALEZ-Gonzalez reported that he and Carlos MELQUIADES-Irineo rented the mobile home. SA Spivey then questioned GONZALEZ-Gonzalez about the firearms in the residence. GONZALEZ-Gonzalez initially stated he was unaware of any firearms at the location. ATF SA Spivey then confronted GONZALEZ-Gonzalez about the firearm, to wit: one (1) CVA Hunter 20 ga shotgun bearing serial number: 61-03-003696-16, being propped up against the kitchen table. GONZALEZ-Gonzalez stated he believed the firearm belonged to his brother Jose Miguel MARTINEZ – Gonzalez. The interview with GONZALEZ-Gonzalez was then concluded.

12. Simultaneously ATF SA Collins advised MARTINEZ – Gonzalez of his Miranda Rights, which he verbally acknowledged and waived. During questioning MARTINEZ-Gonzalez initially advised the firearm was already in the residence when he and his brother, Antonio GONZALEZ – Gonzalez moved into the residence in October 2023. However, SA Collins was advised GONZALEZ – Gonzalez had informed ATF SA Spivey the firearm belonged to his brother, MARTINEZ-Gonzalez. ATF SA Collins then confronted MARTINEZ-Gonzalez with the statement from his brother. MARTINEZ-Gonzalez then admitted to ATF SA Collins he took the firearm from a location where he was working. MARTINEZ-Gonzalez advised his employer of the job that he could take any items found at the location that could be useful.

This led to MARTINEZ-Gonzalez to take the firearm, ammunition, and a pellet gun from the location he was working at and bringing those items to the residence at 1025 Blackstone Way, Fultondale, Alabama 35608. Your affiant, being an ATF Firearm Interstate Nexus Expert, conducted an examination of the firearm and based on the identifiable information, photographs and examination it is the opinion of your affiant that the CVA Hunter 20 gauge shotgun bearing serial number: 61-03-003696-16 was manufactured outside the State of Alabama.

### CONCLUSION

13. Based on the above facts, I believe there is probable cause to establish Jose Miguel MARTINEZ-Gonzalez possessed a firearm in violation of Title 18 U.S.C. § 922(g)(5) (illegal alien in possession of a firearm).

JUSTIN  
CARDWELL

Digitally signed by JUSTIN  
CARDWELL  
Date: 2025.01.30 16:56:16  
-06'00'

Justin Cardwell, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Sworn to before me this 30th day of January 2025.

  
\_\_\_\_\_  
JOHN H. ENGLAND, III  
UNITED STATES MAGISTRATE JUDGE  
NORTHERN DISTRICT OF ALABAMA